



ARIZONA HOUSE OF REPRESENTATIVES

HB 2563: postsecondary institutions; free expression policies

PRIME SPONSOR: Representative Boyer, LD 20

BILL STATUS: [Education](#)

Legend:

ABOR – Arizona Board of Regents

Amendments – **BOLD** and ~~Stricken~~ (Committee)

Abstract

Relating to free expression policies.

Provisions

1. Allows universities and community colleges to restrict student speech to achieve a compelling governmental interest rather than be narrowly tailored to a significant governmental interest. (Sec. 1)
2. Requires restrictions on student speech to be the least restrictive means to further the compelling governmental interest. (Sec. 1)
3. Prohibits restricting student speech that provides for spontaneous assembly and distribution of literature. (Sec. 1)
4. Permits lawfully present persons to protest on public postsecondary campuses unless conduct materially and substantially infringes on the rights of others to engage in expressive activity.
 - a. Excludes faculty members maintaining classroom order. (Sec. 1)
5. Asserts that public areas of public postsecondary campuses are public forums and the campuses are open to any speaker invited by a student, student group or faculty member. (Sec. 1)
6. Requires public postsecondary institutions to make all reasonable efforts to ensure the safety of invited speakers and attendees and prohibits security fees from being charged based on the content of a speech.
 - a. Allows nonpublic facilities to be restricted to invited persons. (Sec. 1)
7. Allows individual students, faculty and staff members to take a position on public policy controversies and encourages the institutions to remain neutral. (Sec. 1)
8. Prohibits public postsecondary institutions from taking action on public policy controversies in a way that requires students or faculty to endorse a particular view. (Sec. 1)
9. Authorizes persons to bring court action against violations by a university, community college, student, faculty member, administrator or other person. (Sec. 1)
10. Instructs the court to award damages of the greater of \$1,000 or actual damages. (Sec. 1)
11. Requires ABOR and the community colleges to develop and adopt a policy on free expression that contains:
 - a. Specified statements regarding the function and role of free expression on higher education campuses and associated disciplinary action.
 - b. For all disciplinary proceedings involving expressive conduct procedures, requirements for a hearing that includes advanced written notice, evidence review, confronting witnesses who testify, presenting a defense, calling witnesses, a decision by an impartial person or panel,

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

appeal and, for suspensions over 30 days and expulsions, active assistance of counsel. (Sec. 2)

12. Asserts that outlined requirements supersede previous institutional policies and requires the institutions to review policies or rules to comply. (Sec. 2)
13. Permits the adoption of rules. (Sec. 2)
14. Permits the restriction of student expression for activities not protected by the first amendment of the U.S. Constitution and outlines circumstances that are not protected. (Sec. 2)
15. Requires universities and community colleges to include information in freshman orientations describing policies and rules relating to free expression. (Sec. 2)
16. Defines terms. (Sec. 2)
17. Makes conforming changes. (Sec. 1)

Committee on Free Expression

18. Directs ABOR and the community colleges to jointly establish a committee on free expression of at least 15 members. (Sec. 2)
19. Requires an annual report from the Committee by September 1 to ABOR, the community colleges, the Governor, Secretary of State, the Speaker of the House of Representatives and the President of the Senate that includes:
 - a. Descriptions of barriers or disruptions to free expression.
 - b. Descriptions of administrative handling and discipline related to barriers or disruptions.
 - c. Descriptions of difficulties in maintaining institutional neutrality.
 - d. Assessments or recommendations from the committee.
 - e. Accounting of how student activity fees were allocated. (Sec. 2)
20. Requires public postsecondary institutions to post the annual report on their websites. (Sec. 2)
21. Sunsets the Committee on July 1, 2026. (Sec. 2)
22. Defines *student activity fees*. (Sec. 2)

Current Law

Public postsecondary institutions are prohibited from restricting a student's right to speak in a public forum or impose restrictions on protected first amendment speech in a public forum, unless restrictions are reasonable, justified, narrowly tailored to serve a significant governmental interest and leave ample alternative channels of communication open. The Attorney General and a student who has had their expressive rights violated are permitted to bring an action in court for violations of these requirements within one year of the violation ([A.R.S. § 15-1864](#)).